

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-3, 5-13 and 15-29 are pending in the present application. Claims 4 and 14 have been canceled, claims 1, 10 and 11 have been amended and claims 15-29 have been added by the present amendment. Claims 1, 11, 15 and 22 are independent claims.

In the outstanding Office Action, claims 1, 7 and 9-11 were rejected under 35 U.S.C. § 102(e) as anticipated by Horie, and claims 2-6, 8 and 12-14 were indicated as allowable if rewritten in independent form.

Applicant thanks the Examiner for the indication of allowable subject matter. In light of this indication, independent claims 1 and 11 have been amended to include the subject matter recited in dependent claims 4 and 14, respectively. Accordingly, the rejection of claims 1, 7 and 9-11 under 35 U.S.C. § 102(e) as anticipated by Horie is moot.

Further, new claims 15-29 have been added to set forth the invention in a varying scope, and Applicant submits the new claims as supported by the originally filed specification. It is respectfully noted that independent claim 15 includes a combination of features in which the method determines if at least one session on the disk has a file size or track size that is larger than the size of the new data, and overwriting the at least one session on the disk with the new data if it is determined the at least one session has the file size or track size that is larger than the size of the new data. Note, these features are similar to a combination of features recited in dependent claims 2, 3, 12 and 13, which were indicated as allowable. Independent claim 22 is similar to independent claim 15, but is directed to a disk drive. Thus, it is respectfully submitted

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new claims 15-29 are also allowable.

Further, the specification has been amended to correct minor informalities and to include a reference to the numeral 10 shown in Fig. 1. No new matter has been added.

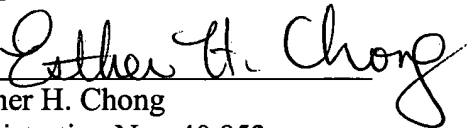
CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong. (Reg. No. 40,953) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: September 1, 2005

Respectfully submitted,

By 
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